



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

www.nj.gov/health

RICHARD J. CODEY
Acting Governor

FRED M. JACOBS, M.D., J.D.
Commissioner

October 7, 2005

Mr. Jeffery Stezen
Med Health Ambulance
103 West Broad Street
Palmyra, New Jersey 08065

Re: Notice of Proposed Assessment of Penalties:
Basic Life Support Ambulance
Investigation Control # 05-B-025

Dear Mr. Stezen:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include pre-hospital basic life support ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of Basic Life Support. I apologize for the delay in this notice.

Finally, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services adopted regulations that govern the licensure and inspection of Basic Life Support and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On October 7, 2004, at approximately 6:40 p.m., staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unannounced vehicle inspection of Med Health vehicle #103, Pennsylvania license plate #EV35576 parked outside Silver Care Dialysis Center, 1417 Brace Road, Cherry Hill, New Jersey.

The inspection revealed the following deficiencies.

1. The portable aspirator located in the vehicle was found to be inoperable;
2. The vehicle's rear door gasket was found to be torn in several locations;
3. The vehicle's exhaust system was found to be loose and the tailpipe appeared to have broken loose from the rest of the exhaust system allowing fumes to leak out under the vehicle; and
4. The patient stretcher was found to have only two sets of straps.

As you should know:

N.J.A.C. 8:40-4.8(a)1 states, "The vehicle exhaust system, as well as the vehicle exterior, doors, windows and related gaskets shall be in good condition and free of leaks."

N.J.A.C. 8:40-4.8(b)1 states, "The vehicle shall not be utilized to transport patients if the exhaust system has loose or leaking joints."

N.J.A.C.-6.7(a)3 states, "The portable aspirator shall be powered by an integral battery. The aspirator shall provide a flow rate of at least 25 liters per minute at the end of the suction tube and a vacuum pressure of at least 300 mmHg within four seconds and a maximum vacuum pressure of at least 400 mmHg for at least 20 minutes. Basic Life Support ambulances that utilize aspirators that are powered by field replaceable batteries shall carry a sufficient supply of batteries to permit the device to operate continuously and, in accordance with Federal Specifications for Ambulances, KKK-A-1822 "Portable Suction Aspirator," to meet the flow and vacuum pressure requirements for at least 20 minutes."

N.J.A.C. 8:40-6.8(b) states, "Each patient litter and portable stretcher shall have three sets of two-inch wide patient restraints with quick release buckles positioned at the chest, waist and knees. The quick release buckles may be of the "slide through" or "metal to metal" type. (Reeves®-type stretchers may have other types of buckles.) Each stair-chair shall have two sets of two-inch wide safety restraints with quick release metal buckles. Velcro®-type closures shall not be utilized."

Pursuant to N.J.S.A. 26:2H-14, the Department may impose a penalty of not more than \$5,000 per day for each day that a licensee is in violation of any regulation which pertains to the care of patients or health care facility standards. N.J.A.C. 8:40-7.2(c) states, "Violation of any portion of N.J.A.C. 8:40 by a provider may be cause for action against the provider, including, but not limited to, suspension or revocation of a provider's license, a formal written warning, monetary penalty, placing the provider's vehicle in "Department-Initiated-Out-of-Service" (DIOOS) status, placing of conditions for continued operation by the provider and/or refusal to issue or renew a license."

Therefore, in accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e)5, the Department is holding Med Health Ambulance responsible for the aforementioned deficiencies. As such, in accordance with N.J.A.C. 8:40-7.2(e)9 you are hereby assessed a penalty in the amount of \$250 violation of N.J.A.C.-6.7(a)3, a penalty of

\$250 for violation of N.J.A.C. 8:40-4.8(a)1 and 4.8(b)1. You are also hereby issued a formal warning for violation of N.J.A.C. 8:40-6.8(b).

A certified check or money order in the amount of \$500 made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health and Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, New Jersey 08625
Attn: Ms. Karen Halupke, Director

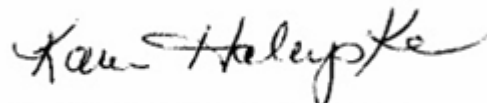
Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.2(c)1, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing must be submitted in writing and must be accompanied by a response to each of the charges noted above. In the event that you request a hearing, the penalty shall be held in abeyance until such time as the hearing has been conducted and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health and Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Attn: Ms. Michele Stark

Please include the control number 05-B-025 on all of your correspondence. Finally, failure to request a hearing within 30 days of this Notice shall render this Notice final, and the entire \$500 shall be immediately due and payable. If you have any questions concerning this matter, please do not hesitate to contact Samuel Stewart, Esq. of my office at (609) 633-7777.

Sincerely,

A handwritten signature in cursive script that reads "Karen Halupke".

Karen Halupke, R.N., M.Ed
Director, Emergency Medical Services

c: David Gruber, Assistant Commissioner
Michele Stark, L&RA
Chuck McSweeney, OEMS
Samuel Stewart, Esq., OEMS

***SENT VIA REGULAR MAIL AND
CERTIFIED MAIL # 7002 2410 0003 3470 6368
RETURN RECEIPT REQUESTED***